

Certificate of Mailing (37 C.F.R. §1.8):

PC27589A(1206)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on this 13th day of October 2004.

Bonnie Acosta
s/ Bonnie Acosta

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Mark E. SCHNUTE et al.

Serial No.: 10/649,301

Filed: August 27, 2003

Confirmation No.: 5396

For: Heteroaryl-ethanolamine Derivatives
as Antiviral Agents

Group Art Unit: 1625

Examiner: Evelyn Huang

Mail Stop: Amendment
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents:

1. Transmittal Letter (one page)
2. Amendment (11 pages)
3. Request for Extension of Time (one page in duplicate)
4. Copy of Office Action mailed September 2, 2004 (2 pages)
4. Postcard

Respectfully submitted,

Date: October 13, 2004

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UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/649,301V | 08/27/2003 | Mark E. Schnute | 01206.US1 | 5396 |

28940 7590 09/02/2004

AGOURON PHARMACEUTICALS, INC.
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RECEIVED

SEP 09 2004

LA JOLLA PATENT DEPT

DATE MAILED: 09/02/2004

EXAMINER
HUANG, EVELYN MEI

ART UNIT
1625

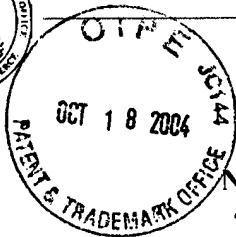
PAPER NUMBER

DOCKETED
JW/alc

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
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P.O. Box 1450
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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 8-16-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:
 A. Amended paragraph(s) do not include markings.
 B. New paragraph(s) should not be underlined.
 C. Other _____

2. Abstract:
 A. Not presented on a separate sheet. 37 CFR 1.72.
 B. Other _____

3. Amendments to the drawings: _____

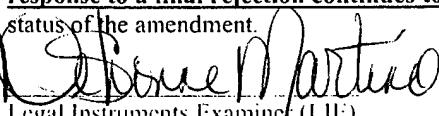
4. Amendments to the claims:
 A. A complete listing of all of the claims is not present.
 B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 D. The claims of this amendment paper have not been presented in ascending numerical order.
 E. Other: _____

 For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preonnotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable**.

 If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE)**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

 Deborah Martinez
Legal Instruments Examiner (LIE)

571-272-0538
Telephone No.